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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,994	07/08/2003	Tsu-Wei Chen	33079/US/2	6241
38598	7590	01/24/2007		
ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			EXAMINER OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/613,994

Applicant(s)

CHEN ET AL

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on July 8, 2003. Claims 1-24 are pending examination.

Drawings

2. The drawings filed on 7/8/2003 are acknowledged. These drawings are acceptable.

Claim Objections

3. Claims 7 and 10 objected to because of the following informalities:

Change "rout module" to "route module". (add the letter "e")

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Banavar et al (US Patent No 7,050,432).**

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6. In reference to claim 1, Banavar teaches a network for distributing digital content to subscribers, comprising:

a plurality of user machines; a central distributor that regularly distributes digital content; (column 6 lines 25-50)

a plurality of cache servers that receive and cache the distributed digital content, wherein the cache servers periodically receive user requests from user machines for certain of the cached digital content and forward the requested digital content to the user machines; (column 10 lines 15-35) and,

a routing box that receives the distributed digital content as files from the central distributor and transfers the digital content files to the plurality of cache servers using a publish-subscribe content-based routing, wherein the digital content files are publications and the user requests are subscriptions. (column 6 lines 25-50)

7. In reference to claim 2, Banavar teaches the network of claim 1, wherein the routing box is a first routing box, the network further comprising a second routing box co-located with the plurality of cache servers, wherein the first routing box routes the digital content files to the second routing box co-located with at least one of the plurality of cache servers. (column 6 lines 40-67)

8. In reference to claim 3, Banavar teaches the network of claim 1, wherein the plurality of cache servers are located at a network service provider. (column 5 lines 45-67)

9. In reference to claim 4, Banavar teaches the network of claim 1, wherein the plurality of cache servers are a first level of cache servers that store all the digital content distributed by the central distributor. (column 10 lines 15-35)

10. In reference to claim 5, Banavar teaches the network of claim 4, further comprising a second level of cache servers that store a portion of the digital content distributed by the central distributor. (column 10 lines 40-60)

11. In reference to claim 6, Banavar teaches the network of claim 5, wherein the routing box is a first routing box, the network further comprising a second routing box co-located with the second level of cache servers, wherein the first routing box and the second routing box transfer digital content files from the first level of cache servers to the second level of cache servers using a publish-subscribe content-based routing. (column 10 lines 15-35)

12. In reference to claim 7, Banavar teaches the network of claim 6, wherein each of the routing boxes include: a receive module for receiving a packet having a header section and a payload section, the payload section including information relating to a digital content file; an inspect module for inspecting the payload section of the packet for use in determining how to route the packet; and a rout module for selectively routing the packet from the first level of cache servers to the second level of cache servers based upon the inspecting. (column 7 lines 1-35)

13. In reference to claim 8, Banavar teaches the network of claim 5, wherein the portion of the digital content stored by the second level of cache servers is determined based on a history of received user requests. (column 10 lines 40-60)

14. In reference to claim 9, Banavar teaches the network of claim 5, wherein the second level of cache servers directly receive the user requests and forward user requests to the first level of cache servers for digital content not stored by the second level of cache servers. (column 10 lines 40-60)

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15. In reference to claim 10, Banavar teaches the network of claim 1, wherein the routing box includes: a receive module for receiving a packet having a header section and a payload section, the payload section including information relating to a digital content file; an inspect module for inspecting the payload section of the packet for use in determining how to route the packet; and a rout module for selectively routing the packet from the central distributor to the plurality of cache servers based upon the inspecting. (column 7 lines 1-35)

16. In reference to claim 11, Banavar teaches the network of claim 1, wherein the central distributor comprises one or more servers. (column 6 lines 5-30)

17. In reference to claim 12, Banavar teaches the network of claim 1, wherein the digital content includes video, music and software. (column 5 lines 45-67)

18. In reference to claims 13-24, Banavar teaches the corresponding method of distributing digital content based on the same rationale presented above for network claims of 1-12. Claims 13-24 are rejected based on the same rationale of the rejections of claims 1-12.

Conclusion

19. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.


The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
January 22, 2007


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